IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33796 of 2007(W)

PETITIONER:

SAJIMON M.T., AGED 30 YEARS,
S/O. C.P. THANKAPPAN, MANNARATH HOUSE,
PONKUNNAM P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SRI.THOMSTINE K.AUGUSTINE
SRI.C.N.GOPAKUMAR

RESPONDENTS:
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1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, ATHIRAMPUZHA P.O.,
KOTTAYAM.

2. THE CONTROLLER OF EXAMINATION,
M.G. UNIVERSITY, ATHIRAMPUZHA P.O., KOTTAYAM.

3. THE VICE CHANCELLOR,
M.G. UNIVERSITY, ATHIRAMPUZHA P.O., KOTTAYAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 33796 OF 2007 W
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Dated this the 16th day of November, 2007

J U D G M E N T

The prayer in this writ petition is to declare that the 3rd valuation of the answer scripts of the petitioner is illegal and arbitrary. Petitioner also seeks a direction to the respondents to value the answer scripts of his examinations conducted in 2004 by an outside expert in each of the subjects.

2. On instructions, learned counsel for the University points out that in terms of their Regulations, for M.Sc, they have a system of double valuation and revaluation. In so far as this case is concerned, according to the University, both these have been availed of. Thereafter petitioner had also approached the Lok Ayukta, which was given up at a later point of time.

3. From the materials on record, I notice that in terms of the Regulations governing valuation, on an application filed by the petitioner, the answer papers were valued by the first valuer and the second valuer and since the variation was more than 10%, again in compliance with their Regulations, a 3rd valuation also has been done. If that be so, the valuation done by the University, is in terms of the Regulations.

4. It is settled law that in the matter of revaluation, the right of a student is only in terms of the provisions contained in the University Regulations. In this case, revaluation has been done fully in compliance with the Regulations. The petitioner contends that the mark awarded in the 3rd valuation is only the average of what was awarded by the 1st and 2nd valuers and therefore the mark awarded in the 3rd valuation is erroneous. I am not in a position to appreciate this contention. The mark awarded by each of the valuer could vary depending upon the assessment by each one of the examiners. In a particular case, it may have happened that it is the average as pointed out by the petitioner. But then, that by itself, will not invalidate the marks awarded in the 3rd valuation. In any case, sitting under Article 226, this court will not be justified in deciding on the correctness of what has been done by experts in the field.

Writ petition fails and it is dismissed.

ANTONY DOMINIC, JUDGE.

Rp